

**DISCLAIMER**

*This electronic version of an SCC order is for informational purposes only and is not an official document of the Commission. An official copy may be obtained from the [Clerk of the Commission, Document Control Center](#).*

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, SEPTEMBER 20, 2001

CAVALIER TELEPHONE, LLC,  
Petitioner

v.

CASE NO. PUC010180

VERIZON VIRGINIA INC.,  
Defendant

ORDER OF DISMISSAL

On August 3, 2001, Verizon Virginia Inc. ("Verizon Virginia") filed with the Division of Communications of the State Corporation Commission ("Commission") a tariff to introduce FlexGrow<sup>®</sup> Service ("FlexGrow"), to become effective September 4, 2001.<sup>1</sup>

On August 29, 2001, Cavalier Telephone, LLC ("Cavalier") filed its Petition seeking a suspension of the FlexGrow tariff for 150 days pending an investigation and public hearing, and that Verizon Virginia be enjoined from continuing certain alleged illegal and discriminatory conduct complained of in the Petition.

The Commission finds that Cavalier's Petition should be docketed. However, on August 30, 2001, Verizon Virginia filed

---

<sup>1</sup> FlexGrow is described in the tariff filing as "an interexchange multifunctional digital service for business customers that provides voice and high-speed data services on an integrated basis over a single high-

notice with the Division of Communications of its withdrawal of the FlexGrow tariff before the proposed effective date.

Therefore, the request for suspension of the tariff raised in Cavalier's Petition is now moot.<sup>2</sup> Verizon indicates in its notice of withdrawal of the FlexGrow tariff that it intends to refile the tariff at a later date. Verizon Virginia is required by § D.1. of its Plan for Alternative Regulation<sup>3</sup> to serve notice on all local and interexchange carriers certificated in Virginia when refiling its FlexGrow or successor tariff.

Cavalier has indicated to Staff's counsel that it does not intend to separately pursue the injunctive relief requested in its Petition before the Commission.

The Commission finds that Cavalier's Petition should be dismissed without prejudice.

Accordingly, IT IS ORDERED THAT:

(1) The Petition filed by Cavalier is hereby dismissed without prejudice, consistent with the findings above.

(2) This case is hereby closed.

---

capacity T-1 facility." The proposed classification of FlexGrow under Verizon Virginia's Plan for Alternative Regulation is Discretionary.

<sup>2</sup> We note that Cavalier is pursuing related action at the FCC. Exhibit A of the Petition is a copy of Cavalier's letter dated July 27, 2001, requesting expedited resolution, pursuant to 47 C.F.R. 1.730, by the FCC to prevent Verizon Communications from discriminatory treatment in its application of the process of provisioning DS-1 (T-1) UNE loop orders for Cavalier.

<sup>3</sup> *Application of Verizon Virginia Inc., For approval of its Plan for Alternative Regulation*, Case No. PUC010032, Order Approving Plan, issued May 15, 2001.